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CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1015

Introduced by Assembly Members Chu and Spitzer

**(Coauthors: Assembly Members Bermudez, Chavez, Evans,
Shirley Horton, Garcia, Goldberg, Jones, Lieber, Negrete
McLeod, Torrico, and Vargas)**

(Coauthors: Senators Alquist and Soto)

February 22, 2005

An act to add and repeal Chapter 3 (commencing with Section 9000) to Title 9 of Part 3 of the Penal Code, relating to sex offenders.

LEGISLATIVE COUNSEL'S DIGEST

AB 1015, as amended, Chu. Sex Offender Management Board.

Existing law requires persons convicted of certain sex offenses to register as a sex offender, as specified. Violations of certain of the registration requirements are crimes, as specified.

~~This bill would state legislative findings and declarations with respect to the size of, and the need to prevent recidivism within, the registered sex offender population in California. This bill would also state legislative intent to establish a board responsible for overseeing the management of sex offenders and providing expert information in various capacities, which it may task with investigating specified issues and making recommendations, as specified.~~

This bill would create the Sex Offender Management Board under the jurisdiction of the Department of Corrections and Rehabilitation. The purpose of the board would be to address any issues, concerns, and problems related to the community management of the state's adult sex offenders, with a goal of safer communities and reduced victimization. The board would be required to conduct a thorough assessment of current management practices for adult sex offenders, and to submit a report to the Legislature on that assessment. The board would also be required to develop recommendations to improve management practices for those offenders, as specified. The board also would serve as a resource for the Legislature and the Governor.

~~The bill would state that its provisions would only become operative if federal funds are made available for its purposes, and would direct the Secretary of the Department of Corrections and Rehabilitation to apply for all applicable federal funds for those purposes. The provisions creating the board would be repealed as of January 1, 2011 2010.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. The Legislature hereby finds and declares all of~~
- 2 ~~the following:~~
- 3 ~~(a) There are over 100,000 registered sex offenders in~~
- 4 ~~California, approximately 20,000 of whom are under some form~~
- 5 ~~of supervision by criminal justice system agencies in their~~
- 6 ~~communities.~~
- 7 ~~(b) Preventing recidivism by these individuals while they are~~
- 8 ~~under supervision and preparing them to live safely in the~~
- 9 ~~community after the period of supervision ends is a priority for~~
- 10 ~~the State of California.~~
- 11 ~~(c) No state governmental entity currently exists to review,~~
- 12 ~~understand, and coordinate the multiple policies, laws, and~~
- 13 ~~agencies addressing the state's response to sex offenders as well~~
- 14 ~~as to recommend improvements based upon recognized~~
- 15 ~~best-practices in the field of sex offender management.~~
- 16 ~~(d) Although some sex offenders cannot, or will not, respond~~
- 17 ~~to treatment, the Legislature may be able to successfully reduce~~

1 recidivism within this population through the establishment of a
2 sex-offender management program.

3 ~~SEC. 2. (a) It is the intent of the Legislature to establish a~~
4 ~~board responsible for overseeing and standardizing the~~
5 ~~comprehensive evaluation, identification, treatment, and~~
6 ~~continued monitoring of sex offenders who are under supervision~~
7 ~~by criminal justice system agencies in order to reduce recidivism~~
8 ~~and to protect the public at large.~~

9 ~~(b) The board shall also provide, insofar as resources permit,~~
10 ~~expert information in the following capacities:~~

11 ~~(1) As a resource for any legislator developing legislation~~
12 ~~dealing with matters on which the board can provide consultation~~
13 ~~and expertise.~~

14 ~~(2) As a resource for the Committee on Public Safety of both~~
15 ~~houses of the Legislature and for any other committees for which~~
16 ~~the board's expertise may be useful.~~

17 ~~(3) As a resource for the Governor's office and for any agency~~
18 ~~within the executive branch that may present a request for~~
19 ~~assistance.~~

20 ~~(c) The Legislature may task the board with investigating~~
21 ~~specified issues and making recommendations, developing~~
22 ~~standards or protocols, and with resolving problems resulting~~
23 ~~from complex relationships between two or more agencies with~~
24 ~~overlapping responsibilities.~~

25 ~~SEC. 3.~~

26 *SECTION 1.* Chapter 3 (commencing with Section 9000) is
27 added to Title 9 of Part 3 of the Penal Code, to read:

28
29 CHAPTER 3. SEX OFFENDER MANAGEMENT BOARD
30

31 9000. As used in this chapter, the following definitions apply:

32 (a) "Board" means the Sex Offender Management Board
33 created in this chapter.

34 (b) "Sex Offender" means any person who is required to
35 register as a sex offender under Section 290 of the Penal Code.

36 (c) "Treatment" means a set of specialized interventions
37 delivered by qualified mental health professionals and designed
38 to address the multiple psychological and physiological factors
39 found to be associated with sexual offending.

(d) “Management” means a comprehensive and collaborative team approach to regulating, controlling, monitoring, and otherwise influencing the current and, insofar as is possible, the future behavior of sex offenders who are living in the community and are directly under the authority of the criminal justice system or of another governmental agency performing similar functions. The overriding purpose of management of sex offenders is to enhance community safety by preventing future sexual victimization. Management includes supervision and specialized treatment as well as a variety of other interventions.

(e) “Supervision” means a specialized approach to the process of overseeing, insofar as authority to do so is granted to the supervising agency, all significant aspects of the lives of sex offenders who are being managed, as described in subdivision (d). This approach includes traditional methods as well as techniques and tools specifically designed to respond to the risks to community safety raised by sex offenders. Supervision is one component of management.

9001. (a) The Sex Offender Management Board which is hereby created under the jurisdiction of the Department of Corrections and Rehabilitation, shall consist of ~~15~~ 17 members. The membership of the board shall reflect, to the extent possible, representation of northern, central, and southern California as well as both urban and rural areas. Each appointee to the board, regardless of the appointing authority, shall have the following characteristics:

(1) Substantial prior knowledge of issues related to sex offenders, at least insofar as related to his or her own agency’s practices.

(2) Decisionmaking authority for, or direct access to those who have decisionmaking authority for, the agency or constituency he or she represents.

(3) A willingness to serve on the board and a commitment to contribute to the board’s work.

(b) The membership of the board shall consist of the following persons:

(1) State government agencies:

(A) The Attorney General or his or her designee who shall be an authority in policy areas pertaining to sex offenders and shall

1 have expertise in dealing with sex offender registration,
2 notification, and enforcement.

3 (B) The Secretary of the Department of Corrections and
4 Rehabilitation or his or her designee who has expertise in parole
5 policies and practices.

6 (C) The Executive Officer of the Board of Parole Hearings or
7 his or her designee.

8 (D) One California state judge, appointed by the Judicial
9 Council.

10 (E) The Director of Mental Health or his or her designee who
11 is a licensed mental health professional with recognized expertise
12 in the treatment of sex offenders.

13 (2) Local government agencies:

14 (A) ~~Two~~ *Three* members who represent law enforcement,
15 appointed by the Governor. One member shall possess
16 investigative expertise and one member shall have law
17 enforcement duties that include registration and notification
18 responsibilities, *and one shall be a chief probation officer.*

19 (B) One member who represents prosecuting attorneys,
20 appointed by the Senate Committee on Rules. He or she shall
21 have expertise in dealing with adult sex offenders.

22 (C) One member who represents probation officers, appointed
23 by the Speaker of the Assembly.

24 (D) One member who represents criminal defense attorneys,
25 appointed by the Speaker of the Assembly.

26 (E) *One member who is a County Chief Executive Officer,*
27 *appointed by the Governor.*

28 (3) Nongovernmental agencies:

29 (A) Two members who are licensed mental health
30 professionals with recognized experience in working with sex
31 offenders and who can represent, through their established
32 involvement in a formal statewide professional organization,
33 those who provide evaluation and treatment for adult sex
34 offenders, appointed by the Senate Committee on Rules.

35 (B) Two members who are recognized experts in the field of
36 sexual assault and represent sexual assault victims, both adults
37 and children, and rape crisis centers, appointed by the Governor.

38 (C) One member who is a clinical polygraph examiner with a
39 specialization in the administration of postconviction polygraph

1 testing for sex offenders, appointed by the Speaker of the
2 Assembly.

3 (c) The board shall appoint a ~~presiding officer~~ *chair* from
4 among the members appointed pursuant to subdivision (b). The
5 ~~presiding officer~~ *chair* shall serve in that capacity at the pleasure
6 of the board.

7 (d) Each member of the board who is appointed pursuant to
8 this section shall serve ~~a term of four years. Members shall serve~~
9 ~~without compensation. If a member fails to complete his or her~~
10 ~~term, a new member shall be appointed by the appointing~~
11 ~~authority of the outgoing member to serve for the remainder of~~
12 ~~the outgoing member's term. without compensation.~~

13 (e) If a board member is unable to adequately perform his or
14 her duties or is unable to attend more than three meetings in a
15 single 12-month period, he or she is subject to removal from the
16 board by a majority vote of the full board.

17 (f) Any vacancies on the board as a result of the removal of a
18 member shall be filled by the appointing authority of the
19 removed member within 30 days of the vacancy.

20 (g) The board may create, at its discretion, subcommittees or
21 task forces to address specific issues. These may include board
22 members as well as invited experts and other participants.

23 (h) The board shall hire a coordinator who has relevant
24 experience in policy research. This position shall be a full-time
25 state civil service position. The board may hire other staff as
26 funding permits.

27 (i) In the course of performing its duties, the board shall, when
28 possible, make use of the available resources of research
29 agencies such as the Legislative Analyst's Office, the California
30 Research Bureau, the California State University system,
31 including schools of public policy and criminology, and other
32 similar sources of assistance.

33 (j) *Staff support services for the board shall be provided by*
34 *staff of the Department of Corrections and Rehabilitation as*
35 *directed by the Secretary.*

36 9002. (a) The board shall address any issues, concerns, and
37 problems related to the community management of adult sex
38 offenders. The main objective of the board, which shall be used
39 to guide the board in prioritizing resources and use of time, is to

1 achieve safer communities by reducing victimization. To that
2 end, the board shall do both of the following:

3 (1) Conduct a thorough assessment of current management
4 practices for adult sex offenders, primarily those under direct
5 criminal justice or other supervision, residing in California
6 communities. A report on the findings of this assessment shall be
7 submitted to the Legislature and the Governor by January 1,
8 2009. ~~The board shall provide information to the Legislature and~~
9 ~~the Governor as to its progress by January 1, 2008.~~ Areas to be
10 reviewed in this assessment shall include, but not be limited to,
11 the following:

12 (A) The numbers and distribution of offenders.

13 (B) Supervision practices.

14 (C) Treatment availability and quality.

15 (D) Issues related to housing.

16 (E) Recidivism patterns.

17 (F) Response to the safety concerns of past and potential
18 future victims.

19 (G) Cost and cost-effectiveness of various approaches.

20 (H) Any significant shortcomings in management practices.

21 (2) Develop recommendations, based upon the findings in the
22 assessment, to improve management practices of adult sex
23 offenders under supervision in the community, with the goal of
24 improving community safety. The plan shall address all
25 significant aspects of community management including
26 supervision, treatment, housing, transition to the community,
27 interagency coordination and the practices of other entities that
28 directly or indirectly affect the community management of sex
29 offenders. *The board shall provide information to the Legislature*
30 *and Governor as to its progress by January 1, 2009.* The
31 completed plan shall be submitted to the Legislature and the
32 Governor by January 1, ~~2011.~~ ~~The board shall provide~~
33 ~~information to the Legislature and the Governor as to its progress~~
34 ~~by January 1, 2010.~~ 2010.

35 (b) The board shall conduct public hearings, as it deems
36 necessary, to provide opportunities for gathering information and
37 receiving input regarding the work of the board from concerned
38 stakeholders and the public.

39 ~~9003. The Secretary of the Department of Corrections and~~
40 ~~Rehabilitation shall pursue all applicable federal funding,~~

1 including relevant grants, in order to fund the board. This chapter
2 shall become operative only if federal funds are received for this
3 purpose.
4 9004.
5 9003. This chapter shall remain in effect only until January 1,
6 2011 2010, and as of that date is repealed, unless a later enacted
7 statute, that is enacted before January 1, 2011 2010, deletes or
8 extends that date.